

#40
Petition
with
drawn
11/19/01



501.25507CX5

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): O. YOKOMIZO, et al
Serial No.: 08/470,424
Filed: June 6, 1995
For: FUEL ASSEMBLY AND NUCLEAR REACTOR
Group: 3641
Examiner: H. Behrend

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GROUP 3600

PETITION TO WITHDRAW ERRONEOUS HOLDING OF ABANDONMENT

Commissioner for Patents
Washington, D.C. 20231

October 26, 2001

Sir:

This is a Petition under 37 CFR 1.181 to withdraw an erroneous holding of abandonment in the above-identified application.

Applicant acknowledges receipt of the Notice of Abandonment letter dated October 1, 2001. However, it is noted that this Notice of Abandonment is erroneous.

Applicants, through their attorneys, filed a Notice of Appeal on July 26, 2001 together with a Petition for Extension of Time in response to the Office Action mailed February 26, 2001. Copies of the same and the postcard bearing the mailroom receipt date stamp submitting the same are attached.

Therefore, the granting of this petition, withdrawal of

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such erroneous abandonment and further examination of the application based upon the Appeal Brief and Amendment accompanying the Petition are respectfully requested.

Respectfully submitted,



Melvin Kraus
Registration No. 22,466
ANTONELLI, TERRY, STOUT & KRAUS, LLP

MK/cee
Attachments
(703) 312-6600



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARK
Washington, D.C. 20231

APPLICATION NUMBER 08/470,424	FILING DATE 08/06/95	FIRST NAMED APPLICANT YOKOMIZO	ATTORNEY DOCKET NO. 0
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020457 PM82/1001
ANTONELLI TERRY STOUT AND KRAUS
SUITE 1800
1300 NORTH SEVENTEENTH STREET
ARLINGTON VA 22209

EXAMINER BEHREND, H

ART UNIT 3841	PAPER NUMBER 39
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DATE MAILED: 10/01/01



NOTICE OF ABANDONMENT

This application is abandoned in view of:

- ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 2/26/01.
- ☐ A reply (with a Certificate of Mailing or Transmission of _____) was received on _____, which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
- ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; or (2) Notice of Appeal).
- ☒ No reply has been received.
- ☐ Applicant's failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
- ☐ The issue fee (with a Certificate of Mailing or Transmission of _____) was received on _____.
- ☐ The submitted issue fee of \$ _____ is insufficient. The issue fee required by 37 CFR 1.18 is \$ _____.
- ☐ The issue fee has not been received.
- ☐ Applicant's failure to timely file new formal drawings as required in the Notice of Allowability (PTOL-37).
- ☐ Proposed new formal drawings (with a Certificate of Mailing or Transmission of _____) were received on _____.
- ☐ The proposed new formal drawings filed _____ are not acceptable.
- ☐ No proposed new formal drawings have been received.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ The reason(s) below:

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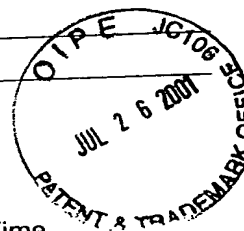
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**HARVEY E. BEHREND
PRIMARY EXAMINER**

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Patent ☒ Trademark ☐ 501.25507CX5
Serial No. 08/470,424 Filed June 6, 1995
Applicant(s) YOKOMIZO, et al
Papers filed herewith on July 26, 2001
☒ Fees \$ 390.00 ☐ Assignment
☐ New Application ☐ Letter to Draftsman
☐ Amendment ☐ Priority Documents
☒ Notice of Appeal ☒ Petition for Ext. of Time
☐ Appeal Brief ☐ Sheets of Formal Drawings
☒ Other Credit Card Payment Form



Receipt is hereby acknowledged of the papers filed as indicated in connection with above identified case.
8/26 - 2/26
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): O. YOKOMIZO, et al

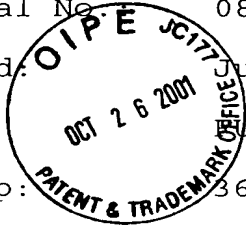
Serial No. 08/470,424

Filed: June 6, 1995

For: FUEL ASSEMBLY AND NUCLEAR REACTOR

Group: 3641

Examiner: H. Behrend



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PETITION FOR EXTENSION OF TIME

Commissioner of Patents
Washington, D.C. 20231

July 26, 2001

Sir:

In the matter of the above-identified application, applicant(s) hereby respectfully petition for an extension of time to permit filing of a response within the second month subsequent to the shortened statutory period set in the outstanding Office Action mailed February 26, 2001. A payment in the amount of \$390.00 to cover the required fee for the requested extension of time is attached hereto.

It is respectfully requested that any shortage in the fee be charged to the account of Antonelli, Terry, Stout & Kraus, LLP, Account No. 01-2135 (501.25507CX5).

Respectfully submitted,

Melvin Kraus
Registration No. 22,466
ANTONELLI, TERRY, STOUT & KRAUS, LLP

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicant(s): O. YOKOMIZO, et al

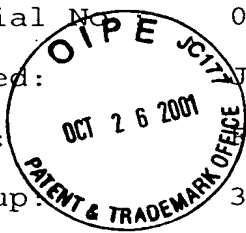
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Filed: June 6, 1995

For: FUEL ASSEMBLY AND NUCLEAR REACTOR

Group: 3641

Examiner: H. Behrend



NOTICE OF APPEAL

Commissioner for Patents
Washington, D.C. 20231

July 26, 2001

Sir:

Applicant(s) hereby appeal to the Board of Appeals from the Decision dated February 26, 2001 of the Primary Examiner finally rejecting claims 24, 26, 29, 40-43, 50 and 52-63.

The items checked below are appropriate:

- ☐ A timely response to the final rejection has been filed.
- ☒ Fee \$310.00 ☐ is enclosed ☒ not required (fee paid in prior appeal).

To the extent necessary, applicant(s) petition for an extension of time under 37 CFR 1.136. Please charge any shortage in the fees due in connection with the filing of this paper, to Deposit Account No. 01-2135 (501.25507CX5) and please credit any excess fees to such deposit account.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Melvin Kraus".

Melvin Kraus
Registration No. 22,466
ANTONELLI, TERRY, STOUT & KRAUS, LLP

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